

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Goix et al.

Serial No. 09/844,080

Filed: April 26, 2001

For: *Particle or Cell Analyzer and
Method*

Art Unit: 1641

Examiner: Gabel, G.

AMENDMENT/RESPONSE

Dated: April 16, 2004

CERTIFICATE OF MAIL (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 16, 2004.

Signed: _____

Lori Cox

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Amendment is responsive to the Office Action mailed January 28, 2004.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.



1641

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application No.	09/844,080
	Filing Date	April 26, 2001
	First Named Inventor	Philippe J. Goix
	Examiner Name	GABEL, G.
	Group Art Unit	1641
Attorney Docket No.		A-69516/AJT (463032-23)

ENCLOSURES (check all that apply)

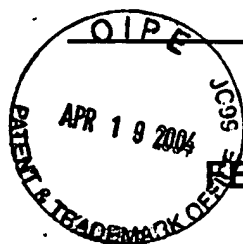
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, No. of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Maria S. Swiatek, Reg. No. 37,244 DORSEY & WHITNEY LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111 Telephone : 415 781,1989	Customer Number 32940
Signature		
Date	April 16, 2004	

CERTIFICATE OF MAILING

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Typed or printed name	Lori Cox		
Signature		Date	April 16, 2004



AMENDMENT FEE CALCULATION 2004

Complete if Known

Application No.	09/844,080
Filing Date	April 26, 2001
First Named Inventor	Philippe J. Goix
Group Art Unit	1641
Examiner Name	GABEL, G.
Atty. Docket Number	A-69516/AJT (463032-23)

Claims as Amended in Response to Office Action dated: April 16, 2004

METHOD OF PAYMENT (Check One)		AMENDMENT FEE CALCULATION (Continued)			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account No.: 50-2319 Deposit Account Name: <u>DORSEY & WHITNEY LLP</u> <input checked="" type="checkbox"/> Charge any additional fee required under 37 C.F.R. 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status (see 37 C.F.R. 1.27)		3. ADDITIONAL FEES			
2. <input checked="" type="checkbox"/> Check Enclosed		Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
		110	55	Extension for reply within first month	
		420	210	Extension for reply within second month	
		950	475	Extension for reply within third month	
		1,480	740	Extension for reply within fourth month	
		2,010	1,005	Extension for reply within fifth month	
		330	165	Notice of Appeal	
		330	165	Filing a brief in support of an appeal	
		290	145	Request for oral hearing	
		110	55	Terminal Disclaimer Fee	
		110	55	Petition to revive – unavoidable	
		1,330	665	Petition to revive – unintentional	
		1,330	665	Utility/Reissue issue fee (inc. advance copies)	
		130	130	Petitions to the Commissioner	
		180	180	Submission of IDS	
		770	385	Request for Continued Examination (RCE)	
		Other fee (specify):			
		Subtotal (2)			
		Total Amount of Payment: 0			

AMENDMENT FEE CALCULATION				
1. EXTRA* CLAIM FEES				
Claims Remaining after Amendment	Highest Number Previously Paid for	Present Extra	Fee from Below*	Additional Fee
Total 17	- 35	=	x	=
Indep. 2	- 5	=	x	=
First Presentation of Multiple Dependent Claim			x	=
Subtotal (1)				0

*Calculation of Extra Claim Fees		
Large Entity Fee	Small Entity Fee	Fee Description
18	9	Claims in excess of 20
86	43	Independent claims in excess of 3
290	145	Multiple dependent Claim
86	43	Reissue independent claims over original patent
18	9	Reissue claims in excess of 20 and over original patent

Submitted by:

Name: Maria S. Swiatek, Reg. No. 37,244 for Aldo J. Test	Reg. No.: 18,048	Telephone: 650-494-8700
DORSEY & WHITNEY LLP	Four Embarcadero Center, Suite 3400 San Francisco, California 94111-4187	CUSTOMER NUMBER 32940
Signature: <i>Maw Jan 15</i>	Date: April 16, 2004	